

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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JAMY ENTERPRISES, LLC, a New Jersey :  
Corporation, :

Plaintiff, :

v. :

E&S FOOD SERVICE CORP., a New York :  
Corporation, :

Defendant :

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E&S FOOD SERVICE CORP., a New York :  
Corporation, :

Third-Party Plaintiff, :

v. :

JEFFREY LEHMANN, a New Jersey :  
resident, and LEHMANN COLORADO :  
CORP., a New Jersey Corporation, :

Third-Party Defendants. :

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Civil Action No. 06-cv-5667 (PGS)

**ORDER**

This matter having been opened to the Court on cross-motions for summary judgment, and the Court having considered the briefs and oral arguments of the parties, and for the reasons set forth in the record on December 8, 2008, and for good cause having been shown,

IT IS on this 8<sup>th</sup> day of December, 2008,

ORDERED that the Plaintiff's and Third-Party Defendants' motion for summary judgment

is denied; it is further

ORDERED that the Defendant/Third-Party Plaintiff's cross-motion for summary judgment is denied; it is further

ORDERED that all motions *in limine* in this matter be submitted by January 20, 2009; it is further

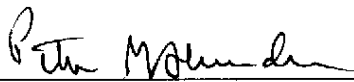
ORDERED that all replies to the motions *in limine* be submitted by February 2, 2009; it is further

ORDERED that a hearing on the motions *in limine* will be held on February 9, 2009 at 10:00 a.m.; it is further

ORDERED that a settlement conference and pre-marking of exhibits will take place on February 9, 2009 following argument on the motions *in limine*; it is further

ORDERED that trial in this matter will take place on February 17, 2009 at 10:00 a.m.

December 8, 2008

  
PETER G. SHERIDAN, U.S.D.J.